

IPW



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/524,945
		Filing Date	February 16, 2005
		First Named Inventor	Farhad Parhami
		Art Unit	1633
		Examiner Name	M.G. Leavitt
Total Number of Pages in This Submission	5	Attorney Docket Number	58086-241892

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Response to Restriction Requirement (3 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div style="border: 1px solid black; padding: 5px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	VENABLE LLP		
Signature			
Printed name	Lars H. Genieser		
Date	March 31, 2008	Reg. No.	46,722



Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL For FY 2008		Application Number	10/524,945
		Filing Date	February 16, 2005
		First Named Inventor	Farhad Parhami
		Examiner Name	M.G. Leavitt
		Art Unit	1633
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Attorney Docket No.	58086-241892	
TOTAL AMOUNT OF PAYMENT		(\$)	0.00

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: <u>22-0261</u>
	Deposit Account Name: <u>Venable LLP</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	
2. EXCESS CLAIM FEES							
Fee Description						Small Entity	
						Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						210	105
Multiple dependent claims						370	185
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
- =		x	=		Fee (\$)	Fee Paid (\$)	
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
- =		x	=				
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)			
- 100 =	/50 =	(round up to a whole number) x	=				
4. OTHER FEE(S)							
Fees Paid (\$)							
Other (e.g., late filing surcharge): _____							

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	46,722
Name (Print/Type)	Lars H. Genieser	Telephone	(202) 344-4000
		Date	March 31, 2008



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application:

Farhad PARHAMI

U.S. Application No.: 10/524,945

Confirmation No.: 3129

Filed: February 16, 2005

Title: AGENTS AND METHODS FOR
ENHANCING BONE FORMATION

Art Unit: 1633

Examiner: Maria Gomez LEAVITT

Atty. Dkt. No.: 58086-241892

Customer No.

26694

PATENT TRADEMARK OFFICE

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the Restriction Requirement dated February 28, 2008, providing for a response time of one month or 30 days, whichever is longer. Applicants, by their attorneys, respond to the Restriction Requirement of February 28, 2008 by electing without traverse as follows.

Remarks and Election in Response to the Restriction Requirement

For clarity, Applicants reiterate the Examiner's view of distinct inventions as expressed in the Restriction Requirement of February 28, 2008:

- Group I. Claims 1-28;
- Group II. Claims 29-36;
- Group III. Claims 37-40;
- Group IV. Claim 41.

Applicants elect Group I, i.e., claims 1-28, without traverse.

In response to the Examiner's requirement in item 1) on page 5 of the Restriction Requirement to elect a species of oxysterol for claims 2, 7, 14, 16, 20, and 25, Applicants elect 20S-hydroxycholesterol without traverse. Applicants note that the term "20S-hydroxycholesterol" is synonymous with the term "20 α hydroxycholesterol". Claims 2, 7, 14, 16, 20, and 25 encompass the elected species, 20S-hydroxycholesterol.

In response to the Examiner's requirement in item 2) on pages 5-6 of the Restriction Requirement to elect a species of a combination of oxysterols for claims 3, 8, 17, 21, and 26, Applicants elect the combination of 20S-hydroxycholesterol and 22S-hydroxycholesterol without traverse. Claims 3, 8, 17, 21, and 26 encompass the elected species, the combination of 20S-hydroxycholesterol and 22S-hydroxycholesterol.

In response to the Examiner's requirement in item 3) on page 6 of the Restriction Requirement to elect a species of secondary agent for claims 4, 5, 9, 10, 18, 22, 23, 27, and 28, Applicants elect bisphosphonates without traverse. At least claims 23 and 28 encompass the elected species, bisphosphonates.

In response to the Examiner's requirement in item 4) on page 7 of the Restriction Requirement to elect a species of biological marker for claim 11, Applicants elect expression of osteocalcin mRNA without traverse. Claim 11 encompasses the elected species, expression of osteocalcin mRNA.

In response to the Examiner's requirement in item 5) on pages 7-8 of the Restriction Requirement to elect a species of mammalian cells for claim 12, Applicants elect osteoprogenitor cells without traverse. Claim 12 encompasses the elected species, osteoprogenitor cells.

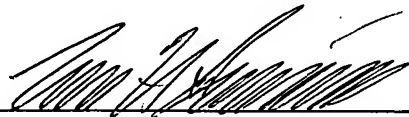
Although this election is made without traverse, Applicants specifically reserve the right to rejoinder of the claims of Groups II, III, and IV and withdrawal of the Restriction Requirement upon allowance of a claim of Group I and amendment of the claims of Groups II, III, and IV to include all limitations of the allowed claim, pursuant to MPEP § 821.04.

Applicants respectfully request that a Notice of Allowance of claims 1-28 be timely issued in this case.

No fee is believed to be necessary in connection with the filing of this Response. However, any fee deficiency is hereby authorized to be charged, or any overpayment credited, to Deposit Account No. 22-0261.

Respectfully submitted,

Dated: March 31, 2008



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